

Part 3 – Responsibility for Functions

1. Responsibility for local choice functions

The legislation indicates that the following matters may be the responsibility of the Cabinet or Council:

- Strategy and Plan comprising the Housing Investment Programme;
- Local Agenda 21 Strategy;
- Business Plan;
- Local Act functions;
- appeals against housing and council tax benefit decisions;
- legislative requirements relating to contaminated land;
- control of pollution/management of air quality;
- Statutory Nuisance Abatement Notices;
- Noise and Statutory Nuisance Act 1993;
- detection of statutory nuisances;
- investigation of complaints of statutory nuisance;
- obtaining information as to interests in land under Section 330 of the Town & County Planning Act 1990;
- Section 16 of the Local Government (Miscellaneous Provisions) Act 1976;
- appointments to outside bodies; and
- Local Area Agreements.

Apart from appointments to outside bodies, which relate to Cabinet functions and are the responsibility of the Cabinet, and Local Area Agreements, the Council has decided that all these matters are to remain the responsibility of the Council. The extent of any officer delegations are set out in the next document in this Part headed 'Proper Officer Provisions and Scheme of Delegation to Chief Officers'. The Council has decided that Local Area Agreements are to be the responsibility of the Cabinet.

2. Responsibility for Council functions

The Council has established the following committees, which have the functions, delegated to them as set out below. The officer delegations by these committees are set out in the next document in this part headed 'Proper Officer Provisions and Scheme of Delegation to Chief Officers'

There are some items which are excluded from Cabinet responsibility which do not appear in the delegations to Committees because they go to Full Council or are covered solely by officer delegations e.g.

- smoking in premises and vehicles, duties/powers under the Health Act 2006;
- Elections and Electoral Registration (including requests for single Member wards and a resolution for a change in the scheme for elections)
- an order giving effect to the recommendations in a community governance review
- exercising the duty to change governance arrangements;
- the enforcement of commons and Town or Village Green matters;
- some of the matters listed in Article 4

Planning Committee

Membership - see Appendix at Section 4.1A

Functions

A. Functions relating to town and country planning

- (1) Powers and duties relating to local development documents, which are development, plan documents.
- (2) Power to agree to establish a joint committee to be, for the purposes of Part 2 of the Planning and Compulsory Purchase Act 2004, a local planning authority.
- (3) Power to agree to confer additional functions on a joint committee.
- (4) Power to request the dissolution of a joint committee.
- (5) Power to determine applications for planning permission.
- (6) Power to determine applications to develop land without compliance with conditions previously attached.
- (7) Power to grant planning permission for development already carried out.
- (8) Power to decline to determine applications for planning permission.
- (9) Duties relating to the making of determinations of planning applications.
- (10) Power to determine applications for planning permission made by a local authority, alone or jointly with another person.
- (11) Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.

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- (12) Power to enter into agreements regulating development or use of land.
 - (13) Power to issue a certificate of existing or proposed lawful use or development.
 - (14) Power to serve a completion notice.
 - (15) Power to grant consent for the display of advertisements.
 - (16) Power to authorise entry onto land.
 - (17) Power to require the discontinuance of a use of land.
 - (18) Power to serve a planning contravention notice, breach of condition notice or stop notice.
 - (19) Power to issue an enforcement notice.
 - (20) Power to issue enforcement notices in relation to demolition of unlisted building in conservation area.
 - (21) Power to issue a temporary stop notice.
 - (22) Power to apply for an injunction restraining a breach of planning control.
 - (23) Power to require proper maintenance of land.
 - (24) Power to determine applications for listed building consent, and related powers.
 - (25) Power to determine applications for conservation area consent.
 - (26) Duties relating to applications for listed building consent and conservation area consent.
 - (27) Power to serve a building preservation notice, and related powers.
 - (28) Powers to acquire a listed building in need of repair and to serve a repairs notice.
 - (29) Power to apply for an injunction in relation to a listed building.
 - (30) Power to execute urgent works.
 - (31) Power to issue enforcement notice in relation to demolition of listed building in conservation area.
 - (32) Power to approve sites for entry into Part 2 of the Brownfield Land Register and so grant Permission in Principle.
 - (33) Power to decline to approve sites for entry into Part 2 of the Brownfield Land Register.
 - (34) Power to determine applications for Permission in Principle.
 - (35) Power to determine applications for Technical Details Consent.

B. Functions relating to public rights of way and miscellaneous

- (1) Power to create footpath or bridleway by agreement.
- (2) Power to create footpaths and bridleways.
- (3) Power to stop up footpaths and bridleways.
- (4) Power to determine application for public path extinguishment order.
- (5) Power to make a rail crossing extinguishment order.
- (6) Power to divert footpaths and bridleways.
- (7) Power to make a public path diversion order.
- (8) Power to make a rail crossing diversion order.
- (9) Duty to keep register with respect to applications under sections 118ZA, 118C, 119ZA and 119C of the Highways Act 1980.
- (10) Power to decline to determine certain applications.
- (11) Duty to assert and protect the rights of the public to use and enjoyment of highways.
- (12) Duty to serve notice of proposed action in relation to obstruction.

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- (13) Power to apply for variation of order under section 130B of the Highways Act 1980.
 - (14) Power to authorise temporary disturbance of surface of footpath or bridleway.
 - (15) Power to extinguish certain public rights of way.
 - (16) Power to extinguish public right of way over land acquired for clearance.
 - (17) Power to authorise stopping up or diversion of highways.
 - (18) Power to authorise stopping-up or diversion of footpath or bridleway.
 - (19) Power to extinguish public rights of way over land held for planning purposes.
 - (20) Powers relating to the protection of important hedgerows.
 - (21) Powers relating to the preservation of trees.
 - (22) Powers to deal with complaints about high hedges

Delegations

The Committee shall exercise the full powers, duties and functions of the Council as set out above.

Licensing & Gambling Committee

Membership – see Appendix at Section 4.1A

Functions

- (1) To discharge the functions of the Council as “Licensing Authority” under the Licensing Act 2003 except as provided for in Section 7(2) of the Licensing Act 2003 (Licensing Authority Policy Statement) and under the Police Reform and Social Responsibility Act 2011.
- (2) To discharge the functions of the Council as “Licensing Authority” under the Gambling Act 2005 except as provided for in Section 166 (not to issue any Casino Premises Licences) and 349 (Licensing Authority Policy Statement jointly with the Cabinet) by virtue of Section 154(1) of that Act.

Delegation

To set all fees as required by the Gambling Act 2005: Premise Licence Fees

Licensing & Gambling Committee – Sub Committee

Membership – see Appendix at Section 4.1A

At least 3 Members of the Licensing and Gambling Committee must be present.

Functions and Delegations

- (1) To determine applications under the Licensing Act 2003 as follows:-

(a) Application for a Personal Licence	If Police representations have been made
(b) Application for Personal Licence, with unspent convictions	All cases
(c) Application for Premises Licence/Club Premises Certificate	If relevant representation(s) have been made
(d) Application for Provisional Statement	If relevant representation(s) have been made
(e) Application to vary Premises Licence/Club Premises Certificate	If relevant representation(s) have been made
(f) Application to vary Designated Premises Supervisor	If Police representation(s) have been made
(g) Application for transfer of premises Licence	If Police representation(s) have been made
(h) Application for Interim Authority	If Police representation(s) have been made
(i) Application to review Premises Licence/Club Premises certificate	All cases
(j) Decision to object when local authority is a consultee and not the relevant authority considering the application	All cases
(k) Determination of an objection to a Temporary Event Notice	All cases
(l) Application from a Community Premises to remove the requirement for Designated Premises Supervisor	If Police representation(s) have been made

(2) To deal with relevant provisions of the Gambling Act 2005.

Application for premises licence where representations have been received and not withdrawn

Application for a variation to a licence
Where representations have been received and not withdrawn

Application for a transfer to a licence
Where representations have been received from the Commission

Application for a provisional statement	Where representations have been received and not withdrawn
Review of a premises licence	All cases
Application for a club gaming/club machine permits	Where objections have been made (and not withdrawn)
Cancellation of a club gaming/club Machine permits	All cases
Decision to give a counter notice to a temporary use notice	All cases
To set all fees as required by the Act	

- (3) Power to license sex shops and sex cinemas in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982.

Licensing and Appeals Committee

Membership - see Appendix at Section 4.1A

Functions

Licensing

- (1) Power to issue licences authorising the use of land as a caravan site ("site licences").
- (2) Power to license the use of moveable dwellings and camping sites.
- (3) Power to license hackney carriages and private hire vehicles.
- (4) Power to license drivers of hackney carriages and private hire vehicles.
- (5) Power to license operators of hackney carriages and private hire vehicles.
- (6) Power to license performances of hypnotism.
- (7) Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis
- (8) Power to license pleasure boats and pleasure vessels.
- (9) Power to license market and street trading.
- (10) Duty to keep list of persons entitled to sell non-medicinal poisons.
- (11) Power to license dealers in game and the killing and selling of game.
- (12) Power of register and license premises for the preparation of food.
- (13) Power to license scrap yards.
- (14) Power to license the breeding of dogs and cats
- (15) Power to licence the selling of animals as pets
- (16) Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.
- (17) Power to license zoos.
- (18) Power to license dangerous wild animals.

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- (19) Power to license the boarding of cats and dogs
 - (20) Power to license the hiring out of horses
 - (21) Power to license the keeping or training of animals for exhibition
 - (22) Power to discharge the functions of the Council as "Licensing Authority" under The Animal Welfare Act 200
 - (23) Power to set all fees as required by the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
 - (24) Power to license knackers' yards.
 - (25) Power to license persons to collect for charitable and other causes.
 - (26) Power to grant consent for the operation of a loudspeaker.
 - (27) Power to grant a street works licence.
 - (28) Powers under the Highways Act 1980 granted to Borough Councils or under agency from Lancashire County Council.
 - (29) Power to approve meat product premises.
 - (30) Power to approve premises for the production of minced meat or meat preparations.
 - (31) Power to approve dairy establishments.
 - (32) Power to approve egg product establishments.
 - (33) Power to approve fish products premises.
 - (34) Power to approve dispatch or purification centres.
 - (35) Power to register fishing vessels on board which shrimps and molluscs are cooked.
 - (36) Power to approve factory vessels and fishery product establishments.
 - (37) Power to register auction and wholesale markets.
 - (38) Duty to keep register of food business premises.
 - (39) Power to register food business premises.
 - (40) Functions under any one of the "relevant statutory provisions" within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc., Act 1974, to the extent that those functions are discharged otherwise than in the authority's capacity as an employer.
 - (41) Power to make closing order with respect to take away food shops.
 - (42) Functions under the Motor Salvage Operators Regulations 2002
 - (43) Functions under Part 1 of the Vehicles (Crime) Act 2001 in relation to the registration of motor salvage operators.
 - (44) All decisions under Sections 160 to 173 of the Equality Act 2010.
 - (45) All functions in relation to the Scrap Metal Dealers Act 2013.

N.B. Where there is a power to fix, increase or amend charges or fees then this is included in the Committee's functions in respect of the above.

Employment Appeals

- (40) To hear and determine appeals from any employees (excluding the Chief Operating Officer, and any employee on JNC Conditions) which may be made against decisions of the Chief Operating Officer/Corporate Directors or Heads of Service (or Principal Officers in their absence) including those made in accordance with the disciplinary or grievance procedures of the Council.

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- (41) To hear and determine appeals from chief officers and any other employees on JNC Conditions, which may be made against decisions of the Chief Operating Officer, a committee or sub-committee including those made in accordance with the disciplinary or grievance procedures of the Council and those made under the JNC Conditions of Service for chief officers and Chief Executives.
 - (42) To hear and determine appeals from any employee selected for redundancy.
 - (43) To consult, as the employers side, and undertake such discussions and negotiations with employees, trade unions and others as may be necessary and appropriate with a view to promoting good industrial relations between the Council and its employees.
 - (44) To consider any relevant matter referred to it by the Council, the Chief Operating Officer, Corporate Director or a Head of Service of the Council, or by the employees side (both staff and manual) providing that no matter shall come to the committee until the agreed procedures established for consultation and negotiation at officer level have been exhausted.
 - (45) To make recommendations to the Council as to the application of terms and conditions of service, grievance and disciplinary procedures.
 - (46) To refer any matter before it to the North West Employers Organisation or Regional Joint Secretaries, as the case may be, for consideration or advice.

Other Appeals

- (47) To determine appeals from market stall holders whose occupancy of a stall is suspended or is terminated.
- (48) In respect of applications for discretionary rate relief and hardship rate relief, to determine any appeals in connection therewith.
- (49) To consider and determine any requests for reviews from applicants in respect of the assessment of housing allocation entitlement, housing transfers, entry or removal from the housing register and homelessness decisions.
- (50) To determine appeals in respect of Discretionary Housing Payments.
- (51) To consider and determine appeals in accordance with Section 12 of the Policy for the Provision of Housing Renewal Assistance in West Lancashire 2008.

Delegations

The Committee shall exercise the full powers, duties and functions of the Council as set out above.

Employment Appeals Sub-Committee

Membership – See Appendix at 4.1A

At least 3 Members of the Licensing and Appeals Committee must be present.

Functions and delegations

Full delegation to determine all matters as appropriate in respect of functions 40,41 and 42 of the Licensing and Appeals Committee except in relation to the dismissal of the Head of the Paid Service, Monitoring Officer and Chief Finance Officer which function will be reserved to the Council.

Standards Committee

Membership - see Appendix at Section 4.1A.

Functions

These are set out in Article 9.03

Delegations

The Committee shall exercise full powers, duties and functions as set out above.

Assessment Sub Committee

Membership - see Appendix at Section 4.1A

Functions

To make decisions as to whether to investigate a complaint referred to the Sub-Committee by the Monitoring Officer or to take no further action.

Delegations

Full authority to determine all matters as appropriate

Hearings Sub Committee

Membership - see Appendix at Section 4.1A.

Functions

To hear cases referred to it and decide whether a member has breached the Code of Conduct and, if so, to decide if a sanction should be applied and what form the sanction should take.

Delegations

Full delegation to determine all matters as appropriate.

Note for Sub Committees:

- Membership and chairmanship of sub committees do not have to be fixed.
- At least 3 members of the Standards Committee must be present.

Recruitment of Independent Members Panel

Membership - see Appendix at Section 4.1A.

Functions

To assist in the recruitment of independent members by shortlisting and interviewing and making recommendations to the Council

Delegations

To make recommendations to the Standards Committee and Council

Investigating Committee

Membership - see Appendix at Section 4.1A.

Functions

To meet as and when required to consider disciplinary complaints against officers employed on JNC Conditions of Service, referred to the Committee by the proper officer as defined in Rule 10 of the Officer Employment Procedure Rules. The Committee shall have the power to decide the matter on behalf of the Council, by either exonerating the officer, or, if they find misconduct, taking whichever form of disciplinary action is appropriate, except that in the case of the dismissal of the Head of the Paid Service, Monitoring Officer or Chief Finance Officer such dismissal must be approved by Council in accordance with the provisions of Rule 6 of the Officer Employment Procedure Rules.

Delegations

This Committee shall exercise the full powers, duties and functions of the Council as set out above, except in the case of the dismissal of the Head of the Paid Service, Monitoring Officer or Chief Finance Officer.

Independent Panel

Membership – see Appendix at Section 4.1A

Functions

To advise the Council on all matters relating to the dismissal of the Head of Paid Service, Monitoring Officer and Chief Finance Officer in accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.

Delegations

None

Chief Officers Committee

Membership - see Appendix at Section 4.1A.

Functions

1. To deal with all matters in respect of the appointment of chief officers and deputy chief officers and to make recommendations to full Council in respect of the appointment of the head of paid service in accordance with the Officer Employment Procedure Rules set out in Part 4 of this Constitution.
2. To consider and determine all grievances lodged by the Head of Paid Service, chief officers and deputy chief officers.
3. To hear and determine Job Evaluation appeals from Chief Officers employed on JNC Conditions.

Delegations

This Committee shall exercise the full power, duties and functions of the Council, except in the case of the appointment of the head of the paid service as set out above.

Audit and Governance Committee

Membership - see Appendix at Section 4.1A.

FunctionsAudit Activity

1. To consider and approve the Internal Audit Charter.
2. To consider the Audit Manager's Annual Report and Opinion.
3. To consider reports dealing with summaries of Internal Audit Activity.
4. Where requested by the Audit Manager, to consider issues arising from specific internal audit reports.
5. To consider reports from the Audit Manager on agreed recommendations not implemented within a reasonable timescale.
6. To require the attendance at meetings of the Audit and Governance Committee, of any elected Member or Officer of the Authority in relation to internal audit reports.
7. To consider the external auditor's Annual Letter and other reports as requested by the external auditor.
8. To comment on the scope and depth of external audit work and to ensure it gives value for money.

9. To scrutinise Treasury Management activities.

Regulatory Framework

10. To monitor Contract Procedure Rules, Financial Regulations and other provisions of the Constitution in so far as they contribute to the effectiveness of the Council's internal controls.
11. To consider any issue relevant to its responsibilities and functions referred to it by the Council, Cabinet, any committee of these bodies, the Chief Operating Officer or Chief Officers.
12. To monitor the effectiveness of risk management and corporate governance processes in the Council.
13. To monitor the effectiveness of the Council's policies in relation to its Anti-fraud and Corruption Strategy and complaints process.
14. To review the production of the Authority's Annual Governance Statement.
15. To approve the Authority's Annual Governance Statement and commend its signing to the Leader and Chief Executive.
16. To consider the Council's arrangements for corporate governance and in particular in relation to the Local Code of Corporate Governance and recommend actions to promote best practice.
17. To consider the Council's compliance with its own and other published standards and controls in so far as these contribute to the adequacy of its framework of internal control.
18. To monitor (quarterly) the use of RIPA powers.

Accounts

19. To approve the Statement of Accounts.
20. To consider The External Auditor's Report To Those Charged With Governance on issues arising from the audit of the accounts.
21. To review the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit.

Other

Delegations

The Committee shall exercise the full powers, duties and functions of the Council as set out above in numbers 1, 14 and 18.

The Committee will not be able to transact the powers, functions and duties reserved to Council, Cabinet, Overview and Scrutiny Committees, Standards Committee and other regulatory Committees.

Polling Districts and Polling Places Review Committee

Membership - see Appendix at Section 4.1A.

Functions

To consider and determine (as necessary) any interim review of Polling Districts and Polling Places within the borough and/or constituency.

Delegations

The committee shall exercise full powers, duties and functions of the Council in relation to the carrying out of interim reviews of Polling Districts and Polling Places.

Strategic Asset Purchasing Committee

Membership - see Appendix at Section 4.1A.

Functions

1. To scrutinise all commercial property and strategic asset investment decisions and to agree comments on the proposals as appropriate for consideration by the decision maker.
2. To approve investment decisions of up to £5m, which are within the approved capital budget and the Commercial Property Strategy, where the timescales for making a decision would not allow for Council consideration.

Delegations

Full delegated powers, duties and functions of the Council as set out above including the ability to instruct the Corporate Directors to purchase assets as detailed above.

3. Responsibility for executive functions

1. The Leader has appointed the Councillors set out in the Appendix at Section 4.1A to form the Cabinet and their individual Portfolio responsibilities are also set out in that Appendix.
2. Responsibilities of Cabinet members

General

The key roles of members are set down in paragraph 2.03 of Article 2 in the Constitution. Details of the Portfolios i.e. areas of

responsibility of each Cabinet Member are set out in the Appendix at Section 4.1A. The following specific responsibilities apply to the Leader and Portfolio Holders within the Cabinet.

Leader

- is the Chairman of the Cabinet and, as such, represents the views of the Cabinet to the public.
- is the lead member of the Cabinet in undertaking the community leadership role.
- is the lead member of the Cabinet on any major policy issue not within the specific remit of the Deputy Leader or Portfolio Holders.
- is the main point of liaison for the Chief Operating Officer and relevant Heads of Service as appropriate and gives guidance to those officers in connection with the exercise by them of powers delegated by the Constitution.
- is responsible for all executive functions and determines the powers of Cabinet Members and approves the scheme of delegation of executive powers to officers.

Deputy Leader

- may exercise the Leader's role when the Leader is unable to act or if the post of Leader is vacant.
- is the lead member of the Cabinet on any policy issue concerning his area of responsibility.
- is the main point of liaison for the Chief Operating Officer, Corporate Directors and relevant Heads of Service as appropriate and gives guidance to those officers in connection with the exercise by them of powers delegated by the Constitution in his/her area of responsibility.

Other Portfolio Holders

- each is the lead member of the Cabinet on any policy issue concerning their areas of responsibility.
- each is the main point of liaison for the Chief Operating Officer, Corporate Directors, and relevant Heads of Service as appropriate and gives guidance to those officers in connection with the exercise by them of powers delegated by the Constitution in his/her area of responsibility.

In the absence of the relevant Portfolio Holder the Leader will act in his/her stead or in his/her absence or if the post of Leader is vacant the Deputy Leader or another Portfolio Holder will do so.

In the absence of the Leader, or if the Leader is unable to act or the post of Leader is vacant, the Deputy Leader or another Portfolio Holder will act in his/her stead. (As to which see the notes to the Scheme of Delegation to Cabinet Members – Constitution 4.3).

If the posts of Leader and Deputy Leader are vacant the Chief Operating Officer have the authority to discharge the executive functions of the Council.

3. Delegations of Cabinet members

The extent of delegations granted by the Leader to Portfolio Holders is set out in Constitution 4.3 headed 'Scheme of Delegation to Cabinet and Portfolio Holders'.

4. Delegations to officers

The extent of officer delegations are set out in Constitution 4.2 headed 'Proper Officer Provisions and Scheme of Delegation to Chief Officers'.

5. Cabinet Committees, Working Groups

5.1 Cabinet Committees

(None)

5.2 Cabinet Working Groups

Local Plan Cabinet Working Group

Membership – See Appendix at Section 4.1A

Functions

(a) To consider all Planning Policy documents (including but not limited to Local Plans, Neighbourhood Plans and Supplementary Planning Documents) being prepared by the Council, other than those already dealt with under the "existing scheme of delegation".

(b) To consider all matters covered by a Local Plan, other than those already dealt with under the "existing scheme of delegation", including, but not limited to:

- addressing Climate Change (e.g. carbon reduction targets, provision of renewable energy, energy efficiency standards, flood risk and drainage)
- the Borough's environment
- the Borough's infrastructure

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- creating opportunities for economic development, including sufficient employment land
 - the provision of housing, including affordable and specialist housing and student accommodation
 - the identification of possible Gypsy, Traveller and Travelling Showpeople sites to meet proven need
- (c) To provide input on the preparation of the Council's Housing Strategy.
- (d) To provide input on the preparation of the Council's Economic Development Strategy and any other town centre or regeneration strategies.
- (e) To report recommendations to Cabinet where appropriate.

Funding of Voluntary Bodies and other Organisations Cabinet Working Group

Membership – See Appendix at Section 4.1A

Functions

- (a) From time to time as appropriate to review the Council's mechanisms for the making of revenue grants to the Voluntary and Other Organisations with whom it has SLA's and to devise and recommend appropriate allocation systems giving due consideration to the views of the organisations concerned and also best practice.
- (b) To assess the level of funding currently made to the individual organisations with a view to achieving value for money and the sustainability of the voluntary sector and to recommend the level of grant to be made to the individual organisations for the next financial year. In particular to examine the possibility of 3 year funding which would give the organisations greater financial stability.
- (c) To monitor the Compact with Voluntary Organisations and the Service Level Agreements with funded organisations.
- (d) To consider a unified mechanism for the making of Arts and Sports, Community Safety and Community Chest grants.
- (e) To review the information/publicity produced and to examine the production of joint publicity (i.e. Community Chest, Arts and Sports and Community Safety Grants) with a view to improving promotion and information on the availability of Council grants.

Landlord Services Committee (Cabinet Working Group)

Membership – See Appendix at Section 4.1A

Functions

- (a) To ensure member/tenant co-regulation of landlord services as required by the social housing regulator.
- (b) To consider report and recommendations from the Tenant and Resident Forum (TRF) and Tenant Scrutiny Group (TSG).
- (c) To monitor delivery of all Landlord Services including performance reports and financial reports in relation to capital and revenue expenditure.
- (d) To ensure all relevant strategies and policies in relation to Landlord Services are in place and updated as necessary.
- (e) To consider all relevant consultation reports and respond appropriately.

Estates Regeneration Cabinet Working Group

Membership – See Appendix at Section 4.1A

Functions

- (a) To oversee the Regeneration Projects.
- (b) To oversee the development of key HRA estates improvement and regeneration schemes
- (c) To consider innovation options in development and construction in potential schemes.
- (d) To report recommendations to Cabinet and/or Council as appropriate.

Skelmersdale Town Centre Regeneration Plan Cabinet Working Group

Membership - see Appendix at Section 4.1A

Functions

- (a) To receive presentations and reports in relation to the progress of the Skelmersdale Town Centre Regeneration Plan.
- (b) To consider proposals arising from the Skelmersdale Town Centre Regeneration Plan.
- (c) To make recommendations to Cabinet and/or Council as appropriate.

Note: Powers cannot be delegated to a Working Group and therefore all action must be taken under the delegations of the Corporate Director of Place and Community, within the overall Project Scheme. The Working Group has no ability to make decisions.

If decisions are necessary as a result of the views of the Working Group then they must request either, the Director of Housing and Inclusion (if he has authority), Cabinet or Council as appropriate to make a formal decision and input their views.

Budget Cabinet Working Group

Membership - see Appendix at Section 4.1A.

Functions

To review the Medium-Term Financial Strategy (MTFS) and make recommendations to Cabinet and Council, when required.

2. To consider annual budget setting matters, i.e., Council Tax, GRA (General Revenue Account) and HRA (Housing Revenue Account) requirements and the Capital Programme and make recommendations to Cabinet and Council

Leisure Procurement Cabinet Working Group

Membership - see Appendix at Section 4.1A.

Functions

1. To consider the opportunities available for the procurement of a new partnership arrangement for the provision of leisure services, which would include significant capital investment for bulk sports provision, as outlined in the Key Action Plan of the Council's Leisure Strategy.
2. To report recommendations to Cabinet (and Council when required).

Tawd Valley Developments Cabinet Working Group

Membership - see Appendix at Section 4.1A.

Functions

1. To facilitate a cross party Working Group to allow meaningful and productive discussions to take place in relation to the future direction of TVDL.
2. To evaluate the effectiveness of the TVDL board and the delivery of performance against strategic objectives and the business plan.
3. To assess any risks to the council offered by TVDL activities.
4. To make recommendations to Cabinet and/or Council when appropriate.

Political Governance Arrangements Cabinet Working Group

Membership- see Appendix at Section 4.1A.

Functions

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1. To consider and make recommendations to Council in respect of the following:
 - (i) The Consultation arrangements
 - (ii) The Membership size and Terms of Reference of Committees and to consider if any other bodies, such as Sub-Committee, Working Groups or Task & Finish Groups will be required.
 - (iii) Changes to the Constitution, including, but not limited to, the Scheme of Delegation to Chief Officers.
 - (iv) A review of the staffing required in Democratic Services to support the change.

6. Overview and Scrutiny Committees

The Overview and Scrutiny Committees are set out in Article 6.01

Membership See Appendix at Section 4.1A

Functions See Article 6.01 and Overview and Scrutiny Committee Procedure Rules 1(a) and (b).

7. Commissions

Member Development Commission

Membership See Appendix at Section 4.1A

Functions

- (1)
 - (a) To update the “Member Training and Development Strategy” and act as ‘Champions’ for Member Development.
 - (b) To continue to develop and support processes to identify member training needs and to prepare a Training Plan for each Member.
 - (c) To ensure that all Members are given equal opportunities to attend Training courses/seminars, including IT training, in line with their responsibility as Councillor and that appropriate training records are kept.
 - (d) To monitor the expenditure of appropriate budgets.
 - (e) To evaluate and monitor Elected Member training and development undertaken.
 - (f) To ensure that each Councillor takes ownership of his/her training and development and ‘Member Development’ appears as a regular item at Group meetings.

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- (g) To consider future development of the Member Development website.
 - (2)
 - (a) To examine how cross-party scrutiny and development of strategy could be strengthened via either existing or new committee arrangements,. Such activity to include the option of engaging external specialist advice with relevant expenditure being contained within the budget provided.
 - (b) To review the number and remit of Overview & Scrutiny Committees at West Lancashire, including the Members Update procedure rules, by comparing Overview & Scrutiny structures of other similar Local Authorities, and submit recommendations to Executive Overview & Scrutiny Committee, Corporate & Environmental Overview & Scrutiny Committee and Council, if appropriate, which should include any additional staff resource required, with an implementation date of May 2022.

4. Liaison Groups

Skelmersdale Town Centre Borough/County Liaison Group

Membership – See Appendix at Section 4.1A

Functions

- (a) To provide a Forum for liaison with Borough and County Councillors in relation to the Skelmersdale Town Centre Regeneration Project.
- (b) To receive presentations and reports in relation to the progress of the Skelmersdale Town Centre Regeneration Project from partners (WLBC and HCA) and their developer, St. Modwens, as appropriate.
- (c) To make recommendations to Council/Cabinet and partner organisations as appropriate in relation to furthering the regeneration of Skelmersdale Town Centre.

Place Shaping Hub

Membership – See Appendix at Section 4.1A

To create and develop a Regeneration Plan for Skelmersdale Town Centre, that meets the aspirations and key priorities for the Council and its partners, initially concentrating on the area outlined at Appendix A to the report submitted to Cabinet (9 March 2021) and consider other specific, but connected, pieces or work around other key regeneration projects in the wider Skelmersdale and Up Holland

area, including Estates Regeneration and Green Infrastructure proposals, including consideration of available funding.

5. Forums

Edge Hill University/West Lancashire Borough Council Forum

Membership – See Appendix at Section 4.1A

Constitution – See attached at Appendix 1.

Hackney Carriage and Private Hire Forum

Membership – See paragraphs 1 and 2 at Appendix 2.

Constitution – See attached at Appendix 2.

Armed Forces Community Covenant Working Group

Membership - See Appendix at Section 4.1A

Function

To develop and implement an Armed Forces Community Covenant Action Plan.

Food Insecurities Forum

Membership – Cross-sector, led by a WLBC officer Directorate of Place and Community,

Functions

To strengthen ties and support cross sector co-ordination and commit to a sustainable and dignified approach to tackling food insecurity in the borough.

In consultation with the Food Security Champion, to consider the opportunities identified within the research report from Iconic Consulting and where appropriate seek Cabinet / Council approval for their implementation.

6. Joint Committees

Police and Crime Panel

Membership – See Appendix at Section 4.1A

The Panel will exercise the following powers under the Police Reform and Social Responsibility Act 2011, and all other enabling powers,

discharging its functions in accordance with the Policing Protocol Order 2011.

Functions

- (a) To review and make a report or recommendation(s) on the draft police and crime plan, or draft variation, given to the Panel by the Police and Crime Commissioner (the Commissioner).
- (b) To review, put questions to the Commissioner at a public meeting, and make a report or recommendation (as necessary) on the Commissioner's annual report.
- (c) To hold a confirmation hearing in public and review, make a report and recommendation (as necessary) in respect of proposed appointments by the Commissioner of Chief Constable, Chief Operating Officer, Chief Finance Officer, and Deputy Police and Crime Commissioner.
- (d) To hold a scrutiny meeting in private and make a recommendation to the Commissioner on a proposal by the Commissioner to call upon the Chief Constable to retire or resign.
- (e) To review and make a report and recommendation (as necessary) on the proposed precept.
- (f) To review or scrutinise decisions made, or other action taken, by the Commissioner in connection with the discharge of his/her functions.
- (g) To make reports or recommendations to the Commissioner with respect to the discharge of the Commissioner's functions.
- (h) To support the effective exercise of the Commissioner's functions.
- (i) To fulfil functions in relation to complaints about conduct matters, in accordance with the Panel's responsibilities as provided for by the Police Reform and Social Responsibility Act 2011.
- (j) To appoint, if necessary, an Acting Police and Crime Commissioner.
- (k) To suspend the Commissioner if it appears to the Panel that the Commissioner has been charged in the United Kingdom or Isle of Man with an offence which carries a maximum term of imprisonment exceeding two years.

Constitution – See attached at Appendices 3A – 3C.

7. Remuneration Panels

Independent Remuneration Panel

Membership – See Appendix at Section 4.1A

Function

- (a) In accordance with the Local Government Act 2000 to review and report to the Council on the Members' Allowances Scheme.
- (b) To make recommendations to the Council as to the amount of basic allowance which should be payable to elected members.
- (c) To make recommendations to the Council about the roles and responsibilities for which a special responsibility allowance should be payable and the amount of each such allowance.
- (d) To make recommendations as to whether the Council's allowances scheme should include an allowance in respect of the expenses of arranging for the care of children and dependents and, if it does make such a recommendation, the amount of this allowance and the means by which it is determined.
- (e) To apply Best Value principles in relation to the allowances under consideration.

Parish Independent Remuneration Panel

Membership – See Appendix at Section 4.1A

Function

In accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003 to produce a report in relation to the Councillors of Parishes in West Lancashire making recommendations as to:

- (a) the amount of parish basic allowance payable to members of such authorities;
- (b) the amount of travelling and subsistence allowance payable to members of such authorities;
- (c) whether parish basic allowance should be payable only to the chairman of any such authority or to all its members;
- (d) whether, if parish basic allowance should be payable to both the chairman and other members of any such authority, the allowance payable to the chairman should be set at a level than that payable to the other members and, if so, the higher amount so payable; and
- (e) the responsibilities or duties in respect of which members should receive parish travelling and subsistence allowance.

APPENDIX 1**EDGE HILL UNIVERSITY/WEST LANCASHIRE BOROUGH COUNCIL FORUM****1. Membership**

There will be 10 Forum Members comprising of 4 Borough Councillors, 4 University Board Members, the Chief Operating Officer of the Borough Council (or her nominee) and the Vice Chancellor of the University (or his nominee).

In addition, the West Lancashire Member of Parliament and Students Union President (or nominee) will be invited to attend meetings of the Forum.

2. Chairmanship

The Chairmanship will rotate annually between a Member from the Borough Council and a Member from the University and in alternate years a Member from the non-chairing body will act as Vice Chairman, commencing with a Chairman who is from the Borough Council.

3. Role and Functions

- To consider issues of mutual interest to Edge Hill University and West Lancashire Borough Council.
- To consider the impact of the University on the town of Ormskirk and its surrounds.
- To facilitate a full understanding of the aspirations of the University in developing to its full potential.
- To continue to maximise the opportunities for the local community to share in and enjoy the improved facilities on the University Campus.
- To highlight locally, regionally and nationally where appropriate the influence that the University makes in the community.

4. Meeting Frequency

The forum will meet 3 times per annum (with any special meetings being arranged as necessary). The meeting will alternate between the Edge Hill University campus and the Borough Council Offices. The meetings will usually take place at 10am.

5. Secretarial Support

Agendas will be prepared by an officer from the chairing body and circulated no later than 7 days prior to the meeting. The meetings will be attended by an officer from the chairing body and appropriate minutes will be produced and made publicly available and they will regularly be reported to the Council and the University Board of Governors.

6. Authority

As this is a consultative body only, the University/Council will handle matters through their usual decision making processes as required.

7. Code of Conduct

Please see below. The Codes of Conduct of each body will also apply at these meetings, and declarations of interest will be included on the Agenda and recorded in the Minutes.

8. Planning Applications

Formal planning applications must be considered on their merits through the planning process in the usual way and the Forum will not be involved in consideration of the same.

CONDUCT OF FORUM MEMBERS

Forum Members should have regard to the seven principles for holders of public office as outlined by the Committee on Standards in Public Life.

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family or their friends. They must declare and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

West Lancashire Borough Council Hackney Carriage and Private Hire Forum - Constitution

1 Attendees (the Council)

- 1.1 West Lancashire Borough Council (the Council) will provide the following representatives at each Forum:
- Public Protection and Licensing Manager (Chairman)
 - Chairman of the Licensing and Appeals Committee (or deputy)
 - Senior Licensing Officer
 - Licensing Assistant (minutes)
 - Legal Services Officer (as required)

2 Attendees (the Hackney Carriage and Private Hire trade)

- 2.1 The Hackney Carriage and Private Hire trades (the Trade) will each be represented by five members (i.e. five members to represent the Private Hire trade and five members to represent the Hackney Carriage trade).

2.2 *Election of Trade representatives*

Individual Trade representatives must be elected by existing licensed drivers and will attend the Forum for a period of two years.

- 2.3 At the end of any given two-year period, elections must be held again. However, this does not prevent the same individual(s) being elected to attend the Forum on consecutive occasions, so long as they have been properly elected.
- 2.4 The Trade is responsible for the administration and operation of the elections for its representatives. Other than to encourage attendance at the Forum, the Council will not intervene. However, each elected Trade representative must be able to demonstrate that they are truly representative of their respective trade.
- 2.5 Once elected, the names and contact details of the elected Trade representatives must be provided to the Council.
- 2.6 The Trade representatives elected to the Forum must hold a current Hackney Carriage and/or Private Hire drivers' licence issued by the Council. Any person referred to the Licensing and Appeals Committee within the previous three years, which resulted in further action being taken against that person, would not qualify to act as a representative. Furthermore, any elected Trade representative whose licence(s) is suspended/revoked or not renewed, at any time during this two year period of representation, will not be able to act as a Trade representative and be disqualified from the Forum.

2.7 Elected Trade representatives who do not attend two consecutive Forum meetings, without reasonable cause and no apologies being offered, will be disqualified from the Forum subject to the decision of the majority of the Forum.

2.8 Co-opted or substitute members will not be accepted during any given two year period.

3 Attendees (Other agencies)

3.1 Colleagues from other agencies, for example Lancashire Constabulary or MOT testing stations, will be invited to attend the Forum as required.

4 Objectives

4.1 In carrying out its functions, the Forum will promote the following objectives:

- The protection of public health and safety
- The preservation of a professional and responsible Hackney Carriage and Private Hire trade
- Access to an efficient and effective public transport service
- The protection of the environment.

5 Aims

5.1 In order to foster and maintain the highest standards of service to the travelling public and to give all members of the Trade every opportunity to succeed within the industry, all members of the Forum agree to:

- Meet on a quarterly basis to debate and express opinions on issues affecting the Hackney Carriage and Private Hire operations within the West Lancashire Borough;
- Actively participate and respond to issues that are raised in the Forum and to take action in the best interests of the travelling public and, taking account of the legislative framework, to maintain and improve the operation and reputation of Hackney Carriage and Private Hire trade;
- Conduct themselves cordially and professionally so as to cultivate co-operation, good will and fellowship among members of the Forum and the trade;
- Take all reasonable steps to ensure that all matters discussed at the Forum are communicated to the trade and the travelling public;
- Facilitate the exchange of ideas and methods that further the effectiveness and efficiency of service to the general public;
- Promote the trade, aid fair competition and advise in the enactment of future legislation.

6. Administrative matters

6.1 *Agenda*

The business of any given Forum meeting will be set by an agenda. Apart from standard items, any additional items to be discussed at the Forum

must be placed on the agenda prior to the meeting. The Council will ask all Forum members for such additional agenda items prior to the meeting and will provide the final agenda at least 7 days prior to the meeting.

6.2 *Forum Minutes:*

Draft minutes from each meeting will be produced by the Council and distributed to all Forum members for agreement as an accurate record. Once agreed, the minutes will be placed on the Council's website and provided to the Council's Licensing and Appeals Committee.

6.3 All communication (i.e. distribution of agendas and minutes) will be carried out by email.

6.4 *Amendments/interpretation to the Constitution and decision-making*

No amendment shall be made to the Constitution unless it is passed by a two-thirds majority of those voting at a meeting attended by all members of the Forum. A special meeting may be convened for this purpose.

6.5 In the event of any question or point not being covered by the Constitution, the Chairman shall have the power to act accordingly to interpret the article(s) raised.

6.6 Breaches of the Constitution may be raised by any Forum member as a point of order.

6.7 No resolution or motion shall be enacted at a meeting until it has been moved and seconded. No resolution from the chairman shall require seconding.

6.8 The Chairman's ruling shall be final.

Appendix 3A**Lancashire Police and Crime Panel
Terms of Reference**

The Panel will exercise the following powers under the Police Reform and Social Responsibility Act 2011, and all other enabling powers, discharging its functions in accordance with the Policing Protocol Order 2011.

- 1) To review and make a report or recommendation(s) on the draft police and crime plan, or draft variation, given to the Panel by the Police and Crime Commissioner (the Commissioner).
- 2) To review, put questions to the Commissioner at a public meeting, and make a report or recommendation (as necessary) on the Commissioner's annual report.
- 3) To hold a confirmation hearing in public and review, make a report and recommendation (as necessary) in respect of proposed appointments by the Commissioner of Chief Constable, Chief Operating Officer, Chief Finance Officer, and Deputy Police and Crime Commissioner.
- 4) To hold a scrutiny meeting in private and make a recommendation to the Commissioner on a proposal by the Commissioner to call upon the Chief Constable to retire or resign.
- 5) To review and make a report and recommendation (as necessary) on the proposed precept.
- 6) To review or scrutinise decisions made, or other action taken, by the Commissioner in connection with the discharge of his/her functions.
- 7) To make reports or recommendations to the Commissioner with respect to the discharge of the Commissioner's functions.
- 8) To support the effective exercise of the Commissioner's functions.
- 9) To fulfil functions in relation to complaints about conduct matters, in accordance with the Panel's responsibilities as provided for by the Police Reform and Social Responsibility Act 2011.
- 10) To appoint, if necessary, an Acting Police and Crime Commissioner.
- 11) To suspend the Commissioner if it appears to the Panel that the Commissioner has been charged in the United Kingdom or Isle of Man with an offence which carries a maximum term of imprisonment exceeding two years.

Lancashire Police and Crime Panel Panel Arrangements

1 General Principles

- 1.1 Lancashire County Council shall act as the host authority for the Police and Crime Panel. The County Council will act as Secretary to the Panel and shall be responsible for ensuring that the necessary officer support is provided and that any necessary arrangements are made to promote the role of the Panel.
- 1.2 The Panel must be made up of a minimum of 15 councillors and 2 independent co-opted members.
- 1.3 The constitution of the Panel should take account of, as far as is practical, both political and geographical proportionality, as well as the necessary knowledge, skills and experience to discharge its functions effectively – “the balanced appointment” objective.
- 1.4 Additional members may be co-opted on to the Panel to enable the balanced appointment objective to be met, as long as the size does not exceed 20 and the Secretary of State approves the co-options. Additional Members may or may not be councillors.

2 Membership

- 2.1 The constituent councils on the Panel are the County Council, the two unitary authority councils and the twelve district councils in Lancashire.
- 2.2 The Panel’s membership will be made up of one councillor from each constituent Council and the 2 independent co-opted members, plus any additional Councillors from specific authorities in order to achieve the “balanced appointment” objective.
- 2.3 All County Councillors and District Councillors are eligible to be members of the Panel.
- 2.4 All Councillors on the Panel will serve a term of 12 months.
- 2.5 Each constituent council may send a substitute member to meetings, as notified to the Secretary to the Panel, and this substitute member will be permitted to act as a substitute member with full voting rights at meetings of the Panel and any Task Groups appointed by the Panel. A substitute member must be from the same party as the member appointed by the constituent council. If the panel member is an independent councillor then any substitute must also be an independent councillor.

3. Independent Members

- 3.1 The Panel has previously agreed to co-opt two independent members onto the Panel for a term of four years (July 2016).
- 3.2 The lead authority will undertake the selection process on behalf of the Panel for co-opting independent members which will include a reasonable period of public advertisement for the positions. The closing date for the receipt of applications will not be less than two weeks from the date the advertisement is first placed.
- 3.3 Information packs will be prepared and sent to those requesting application forms.
- 3.4 The applications will be considered against agreed eligibility criteria and then the Chairman and Deputy Chairman of the Panel and three other Panel members will be invited to meet to consider applications and interview candidates, in accordance with the “balanced appointment objective”.
- 3.5 Following the interviews, the five members will make recommendations to the Panel about the appointments.
- 3.6 Additional members who are councillors will be appointed by the Panel for a 12 month term.

4 Vacancies

- 4.1 A vacancy on the Panel arises when a County Councillor, Borough Councillor or an independent member ceases to be a member of the Panel for any reason.
- 4.2 Each council will fill vacancies for elected members in accordance with the arrangements in their constitution. Vacancies for independent members will be filled in accordance with the selection process outlined in section 3.

5 Resignation and Removal of Members

Arrangements to be decided

6. Conditions for reappointment of members

- 6.1 Councillors may serve more than one 12 month term.
- 6.2 Co-opted members may be eligible to apply for a subsequent four year term but may not serve more than two consecutive four year terms.

7. Costs of the Panel

- 7.1 The costs of the Panel will be borne by the constituent councils. The Home Office has agreed to provide funding for administrative costs.

- 7.2 An annual lump sum allowance will be paid to each member of the Panel in recognition of their personal commitment and expenses arising in undertaking their role on the Panel. The allowance will be agreed annually by the Panel.
- 7.3 The lead authority will have responsibility for the financial arrangements to support the operation of the Panel, including the receipt of funds (whether paid by the Home secretary or otherwise) and the making of payments between the constituent councils and to panel members.

Lancashire Police and Crime Panel Operational Procedure

1 Chairman of the Police and Crime Panel

- 1.1 The Chairman will be appointed by the Panel at its Annual meeting each year and will be drawn from amongst the councillors sitting on the Panel.
- 1.2 The Deputy Chairman will be appointed by the Panel at its Annual meeting each year and will be drawn from amongst the councillors sitting on the Panel.
- 1.3 In the event of the resignation of the Chairman or Deputy Chairman or the removal of the Chairman/Deputy Chairman, a new Chairman/Deputy Chairman will be appointed at the next meeting and will be drawn from amongst the councillors sitting on the Panel.
- 1.4 The Panel will elect a councillor member to preside at a meeting if the Chairman and Deputy Chairman are not present
- 1.5 The Panel may consider the removal of the Chairman during the year if it is satisfied that he/she:
 - a) has, without reasonable excuse, failed to carry out the duties for a continuous period of six months;
 - b) has acted improperly, recklessly or negligently in relation to his/her duties;
 - c) is otherwise unable or unfit to perform his/her duties;
 - d) or that the circumstances are such that they are exceptional and would warrant the removal of the Chairman e.g. a conviction or caution in respect of a relevant criminal offence.

2 Meetings of the Police and Crime Panel

- 2.1 There shall be a minimum of four ordinary meetings of the Panel held in public in each municipal year in order to carry out the functions of the Panel. The Panel will determine the schedule of dates and times of its ordinary meetings each year, including a date for its Annual Meeting.
- 2.2 Extraordinary meetings of the Panel may also be called from time to time by the Chairman or by four members of the Panel giving notice to the Secretary to the Panel.
- 2.3 An extraordinary meeting may also be called by the Secretary to the Panel if he/she considers it to be necessary.
- 2.4 Ordinary meetings of the Panel will:
 - Receive any declarations of interest from members.
 - Approve the minutes of the last meeting.

-
- Consider reports from officers and Panel members.

- 2.5 The Secretary to the Panel will give notice to the public of the time and place of any meeting in accordance with Access to Information requirements. At least five clear working days before a meeting, the Secretary shall send notice of the meeting to every Panel member. The notice shall give the date, time and place of each meeting and specify the business to be transacted, and shall be accompanied by such reports as are available.
- 2.6 The publication of reports or recommendations is subject to the exclusion of any exempt or confidential information as defined in the rules on access to information in the Local Government Act 1972 (as amended).

3 Quorum

- 3.1 A meeting of the Panel cannot take place unless not less than one third of the whole number of its members is present.
- 3.2 In the event of a meeting being inquorate, it shall stand temporarily adjourned for 15 minutes and if, thereafter, there is still not a quorum the meeting shall stand finally adjourned. At the point of adjournment, or subsequently, the Chairman may agree arrangements for the meeting to be reconvened.

4 Work Programme

- 4.1 The Panel will set its own work programme and, in doing so, may wish to take into account the priorities defined by the Commissioner and the wishes of its members.
- 4.2 The work programme must include the functions described in the Terms of Reference for the Panel.

5 Agenda Items

Any member of the Panel shall be entitled to give notice to the Secretary of the Panel that he or she wishes an item relevant to the functions of the Panel to be included on the agenda for the next available meeting.

6 Reports from Police and Crime Panel

- 6.1 Where the Panel makes a report to the Commissioner on the discharge of its functions, it must choose to publish the report or recommendations
- 6.2 The Panel must by notice in writing require the Commissioner, as appropriate, within one month of the date on which the Commissioner receives the report or recommendations to:
- a) Consider the report or recommendations;
 - b) Respond to the Panel indicating what (if any) action the Commissioner proposes to take;

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- c) Where the Panel has published the report or recommendations, publish the response;
 - d) Where the Panel has provided a copy of the report; or recommendations to a member, provide a copy of the response to the member.

6.3 If the Panel cannot unanimously agree on the terms of any report to the Commissioner then a report agreed by the majority of the Panel will be submitted for consideration together with a separate report prepared by the minority.

7. Police and Crime Commissioner and Officers Giving Account

7.1 The Panel may scrutinise and review decisions made or actions taken in connection with the Commissioner's role.

As well as reviewing documentation, in fulfilling its scrutiny role it may require the Commissioner, and members of the Commissioner's staff, to attend before the Panel (at reasonable notice) to answer any questions which appear to the Panel to be necessary in order to carry out its functions.

7.2 Where the Commissioner, or a member of the Commissioner's staff, is required to attend the Panel under this provision the Secretary will inform them in writing giving, where practicable, reasonable notice of the meeting. The notice will state the nature of the item on which he or she is required to attend to give account and whether any papers are required for production for the Panel. Where it is necessary to produce a report, sufficient time will be given to allow preparation of that report.

7.3 Where, in exceptional circumstances, the Commissioner is unable to attend on the required date an alternative date for attendance may be arranged, following consultation with the Chairman of the Panel.

7.4 If the Panel require the Commissioner to attend a meeting, the Panel may (at reasonable notice) request the Chief Constable to attend on the same occasion to answer any questions which appear to the Panel to be necessary in order for it to carry out its functions.

8 Attendance by Others

The Panel may invite people other than those referred to in Paragraph 7 above to address it, discuss issues of local concern and/or answer questions. It may, for example, wish to hear from residents, stakeholders, councillors who are not members of the Panel and officers in other parts of the public sector.

9 Task Groups

9.1 Time limited task groups may be established from time to time by the Panel to undertake specific, task-based work.

- 9.2 Task groups may not co-opt other persons.
- 9.3 The special functions of the Panel specified in paragraph 9.4 below may not be discharged by a task group of the Panel.
- 9.4 In this paragraph 'special functions' means the functions conferred on the Panel by:
- a) Section 28(3) of Police Reform and Social Responsibility Act (the Act) (scrutiny of Police and Crime Plan).
 - b) Section 28 (4) of the Act (scrutiny of annual report).
 - c) Paragraphs 10 and 11 of Schedule 1 of the Act (review of senior appointments).
 - d) Schedule 5 of the Act (issuing precepts) Part 1 of Schedule 8 of the Act (scrutiny of appointment of the Chief Constable).
- 9.5 The work undertaken by a task group will be scoped and defined by the Panel beforehand, together with the timeframe within which the work is to be completed and the reporting time for the outcome of the work.

10 Carrying out 'Special Functions'

Reports and recommendations made in relation to the functions outlined in the Terms of Reference will be carried out in accordance with the procedure outlined at section 7 above.

10.1 Senior appointments

- 10.1.1 Where the Panel exercises its powers to review the Commissioner's proposed appointments of Chief Constable, Chief Operating Officer, Chief Finance Officer and Deputy Police and Crime Commissioner, the meetings held to confirm these appointments must be held in public.
- 10.1.2 The Panel will be notified by the Commissioner of the need for a confirmatory hearing in respect of proposed senior appointments. This will be held at the next available meeting of the Panel unless the appointment timescale requires an earlier hearing, in which case an extraordinary meeting will be arranged.
- 10.1.3 In relation to the appointment of the Chief Constable, the Panel is required to hold a hearing within the period of three weeks from the day on which it receives notification from the Commissioner.
- 10.1.4 At a confirmatory hearing the candidate is requested to appear for the purpose of answering questions relating to the appointment. Following this hearing, the Panel is required to review the proposed appointment and make a report to the Commissioner.
- 10.1.5 For a confirmatory hearing for the proposed appointment of the Chief

Constable, in addition to the requirement to review and report, the Panel must make a recommendation on the appointment and has the power to veto the appointment.

10.1.6 Having considered the appointment, the Panel will be asked to either:

- a) support the appointment without qualification or comment;
- b) support the appointment with associated recommendations, or
- c) veto the appointment of the Chief Constable (by the required majority of at least two thirds of the persons who are members of the Panel at the time when the decision is made).

10.1.7 If the Panel vetoes the appointment of the candidate, the report to the Commissioner must include a statement that the Panel has vetoed the appointment with reasons.

10.2 Appointment of an Acting Police and Crime Commissioner

10.2.1 The Panel must appoint a person to act as Commissioner if:

- a) no person holds the office of Commissioner;
- b) the Commissioner is incapacitated; or
- c) the Commissioner is suspended.

10.2.2 The person appointed as acting Commissioner must at the time of the appointment be a member of the Commissioner's staff.

10.2.3 In appointing a person as acting Commissioner in a case where the Commissioner is incapacitated, the Panel must have regard to any representations made by the Commissioner in relation to the appointment.

10.2.4 The appointment of an acting Commissioner ceases to have effect upon the occurrence of the earliest of these events:

- a) the election of a person as Commissioner;
- b) the termination by the Panel, or by the acting Commissioner, of the appointment of the acting Commissioner;
- c) in a case where the acting Commissioner is appointed because the Commissioner is incapacitated, the Commissioner ceasing to be incapacitated, or
- d) in a case where the acting Commissioner is appointed because the Commissioner is suspended, the Commissioner ceasing to be suspended.

10.3 Proposed precept

10.3.1 The Commissioner will notify the Panel of the precept which he/she is proposing to issue for the financial year. The Panel must review the proposed precept and make a report to the Commissioner including recommendations.

10.3.2 Having considered the precept, the Panel will either:

- a) support the precept without qualification or comment;
- b) support the precept and make recommendations, or
- c) veto the proposed precept (by the required majority of at least two thirds of the persons who are members of the Panel at the time when the decision is made).

10.3.3 If the Panel vetoes the proposed precept the report to the Commissioner must include a statement that the Panel has vetoed the proposed precept with reason and the Panel will require a response to the report and any such recommendations.

10.4 Complaints

10.4.1 Non-criminal complaints in relation to the Commissioner or other office holders should be dealt with and/or delegated in accordance with the Act and the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 .

10.5 Suspension of the Police and Crime Commissioner

10.5.1 The Panel may suspend the Commissioner if it appears to the Panel that:

- a) the Commissioner has been charged in the United Kingdom, the Channel Islands or the Isle of Man with an offence, and
- b) the offence is one which carries a maximum term of imprisonment exceeding two years.

10.5.2 The suspension of the Commissioner ceases to have effect upon the occurrence of the earliest of these events:

- a) the charge being dropped;
- b) the Commissioner being acquitted of the offence;
- c) the Commissioner being convicted of the offence but not being disqualified under Section 66 of the Act by virtue of the conviction;
or
- d) the termination of the suspension by the Panel.

10.5.3 In this section references to an offence which carries a maximum term of imprisonment exceeding two years are references to:

- a) an offence which carries such a maximum term in the case of a person who has attained the age of 18 years, or
- b) an offence for which, in the case of such a person, the sentence is fixed by law as life imprisonment.

10.6 Suspension and Removal of the Chief Constable

10.6.1 The Panel will receive notification from the Commissioner if he/she suspends the Chief Constable.

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- 10.6.2 The Commissioner must notify the Panel in writing of his/her proposal to call upon the Chief Constable to retire or resign together with a copy of the reasons given to the Chief Constable in relation to that proposal.
- 10.6.3 The Commissioner must provide the Panel with a copy of any representations from the Chief Constable about the proposal to call for his/her resignation or retirement.
- 10.6.4 If the Commissioner is still proposing to call upon the Chief Constable to resign, he/she must notify the panel accordingly (the 'further notification').
- 10.6.5 Within six weeks from the date of receiving the further notification the Panel must make a recommendation in writing to the Commissioner as to whether or not he/she should call for the retirement or resignation. Before making any recommendation the Panel may consult Her Majesty's Chief Inspector of Constabulary and must hold a scrutiny hearing.
- 10.6.6 The scrutiny hearing is a Panel meeting held in private to which the Commissioner and Chief Constable are entitled to attend to make representations in relation to the proposal to call upon the Chief Constable to retire or resign. Appearance at the scrutiny hearing can be by attending in person, or participating by telephone or video link.
- 10.6.7 The Panel must publish the recommendation it makes at 10.6.5 by any means the Panel considers appropriate and must send a copy to each of the constituent councils.

11. Rules of debate

The Panel to determine.

12. Public participation

The Panel to determine.

Appendix 3D**TAWD VALLEY DEVELOPMENTS LIMITED
BUSINESS PLAN 2019-2024****1. Introduction**

The Company will be operated through a Board of Management. The board will be established in line with standard corporate governance practices. Day to day operations will be undertaken through a team of Company officers.

The Council will have interests in the company through two roles:

- As sole shareholder
- As secured lender.

The Council will delegate to the board the day to day running of the company and require effective performance and financial reporting in line with the usual expectations of a shareholder and lender.

2. Board of Management

The board of management is in the process of being recruited.

Currently, the shadow board comprises the Corporate Director of Transformation and Resources and the Head of Finance, Procurement and Commercial Services. Both members bring extensive experience of the housing and finance disciplines to the board whilst also representing the interests of the Council in ensuring effective establishment of the company's operations.

Further recruitment of additional members will be undertaken as the business plan develops in order to develop and strengthen the skills on the board. Standard corporate governance practice suggests that the recruitment of additional, independent board members is an effective way to enhance the governance of the company.

3. Operational management

Day to day operations will be undertaken by Company officers recruited by the board.

Within this initial business plan, the company is intending to provide its services through a combination of the recruitment of specialist officers and the buying-in of services from specialist professional suppliers and agencies.

An allocation of up to £450,000 per annum (at 2019.20 prices) has been made within the plan to finance the overheads and operations of the company. This is felt to provide both the opportunity to establish an effective company operational management function, and to provide the basis for future growth of the company.

A detailed budget setting out the basis for the direction and management of the company within the total of £450,000 for running costs will be developed prior to operations commencing in 2019. The company will need to appoint or designate a Managing Director to become the chief officer for the company. The Managing Director will be responsible for sourcing officers and external support as required to secure the effective operation of the business.

In addition, the Council has agreed to finance the set-up costs of the company through a government grant. These costs have been incurred primarily in securing external legal and professional advice to develop the business plan and associated company documentation.

3. Decision making

Day to day decision making will be overseen by the board of management. The board will establish performance and financial reporting arrangements which operate on a monthly basis, and, in conjunction with advisers and officers, devise a comprehensive system of internal reporting at scheme, programme and company level.

The Council's interests will be operated through two principal routes.

As shareholder, through an Investor and Shareholder Agreement, which sets out the basis for the investment into the company and the mechanism for reporting. The Council will approve the business plan of the company on an annual basis, as part of its own budget setting processes. In approving the business plan, the Council will also approve the funding support to be provided to the company. Performance against the business plan will be reported to the Council on a quarterly basis.

As lender, the Council will agree the basis for loans to be made to the company, and the terms upon which those loans are made. It is anticipated that there will be a single revolving credit facility upon which the company will be able to draw in order to deliver developments in line with the business plan. A drawdown trajectory will be established and agreed annually in advance. A mechanism to ensure flexibility in drawing funds whilst protecting the interests of the Council will be established.